85-1854

Supreme Court, U.S.
FILED
NOV 26 1985
JOSEPH F. SPANIOL, JR.
CLERK

CASE NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

IRA BANKS

Petitioner,

v.

FINLEY-SELIGMEN & LATZ, INC.,

Respondent.

On Writ Of Certiorari to the
United States Court Of Appeals
For The Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

Ira Banks
6507 North 84th Street
Milwaukee, Wisconsin 53224
(414)353-8476

32 pp

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTION PRESENTED

Whether the employee civil rights were violated by the employer.The Civil Rights Act of 1964,as amended ,makes it an unlawful employment practice for an employer to discriminate against an employee because of race.When the stpulated facts reveal:(1) The employee were denyed compensation due to the employer acting on it,s own adopted a no - compensation practice for returned merchindise for repair defect. (2) The employer business engegement is selling its merchindise at retail.Title 29,Chapter V.dept.of labor employment standards administration wage and hour division Washington D.C. Part 779.Do not permit the employer to establish its pay-withholding policy on its own.

PARTIES

The caption of the case in this Court contains the names of all parties.

TABLE OF CONTENTS

PAGE

Question Presented for Review i

Parties i

Table Of Contents.....ii

Table of Authorities iii

Decisions Below.....1

Basis for invoking Jurisdiction.....1

Contitutional Provision Involed.....2

Statement Of The Case.....2

Argument.....5

Introduction.....5

Reasons for Granting Certiorari.....6

Title 29 Labor Chapter V.
U.S.DEPT.OF LABOR EMPLOYMENT STANDARDS
WAGE AND HOUR DIVISION,WASHINGTON D.C.
Part 779 The Fair Standards Acts As Applied
to retailers Of Goods Or Services.....22-24

Conclusion.....26

TABLE OF AUTHORITIES AND STATUES

PAGE

McDonnell Douglas v. Green.
411 U.S. 792,93 S. Ct. 1817, 36 L.Ed.
sd 668 (1973).....17

Huddlestion v. herman & Maclean,
604 F. 2d 534, 552, (5th Cir. 1981).....21

Bohannon v. pegelow,
652 F. 2d 729 (7th Cir. 1981).....22

Youngerman - Reynolds Hardwood Co.
325 U.S. 419.....24

Jenkins v. Anderson
447, U.S. 231, 239,100 S. Ct. 2124,2130,65
L.Ed. 2d. 86 (1980)..... 26

Title 29 Labor, Chapter V
wage and Hour Division Department of Labor.
Part-779 The Fair Labor Standards Act As
Applied To Retails Of Goods Or Services.

Rule and Regulation : 779.213.....24
Rule and Regulation : 779.241.....24
Rule and Regulation : 779.320.....24
Rule and Regulation : 779.305.....24
Rule and Regulation : 779.416.....23
Rule and Regulation : 779.417.....14,23
Rule and Regulation : 779.501.....23
Rule and Regulation : 779.213,
779.241,
779.320, See J.A.23--24a

OPINION BELOW

The United States Court Of Appeals For The Seventh Circuit entered its decision affirming the district court,s finding ,whereas the claims against the defendant were dismiss by the Seventh Circuit court of appeals.A copy of is reprinted in the appendix at J.A.(1) through J.A(7).

The Court of appeals For The Seventh Circuit denied petitioner,s petitioner for rehearing on September 26,1985.A copy of the Order is reprinted in the appendit at J.A.(8).

BASIS FOR INVOKING JURISDICTION

On September 26,1985,the Court Of Appeals For the Seventh Circuit entered Judgement affirming the denial of petitioner,s motion to remand the charges aganist respondent.(J.A. 8) .This petition for certiorari is timely because it was filed within 90 days of that decision.

The jurisdiction of this Court to review the

opinion of the United States Court of Appeals for the Seventh Circuit (J.A.1 through 8) is invoked under Title VII of the Civil Rights Act of 1964. 2000e et. seq.

CONTITUTIONAL PROVISION INVOLED

Title VII of the Civil Right Act of 1964, as amended makes it an unlawful employment practice for an employer to discriminate aganist an employee because the employee made a charge, testified, assisted or particpated in.

United States Constituation, Amendment conferred by 28 U.S.C. 1337, 1343, 42 U.S.C. 2000e-5(f)(1) and (3) 42 U.S.C.Section 1981.

Title VII provides a remendy for race discrimination in terms of employment and compensation on account of the employee race.

STATEMENT OF THE CASE

This is a cause brought by a former employee against his former employer for unlawful violation employment practice under Title VII of

the Civil Rights Act Of 1964, as amended makes it an unlawful employment practice for an employer to discriminate aganist an employee.The Jurisdiction of the United States District Court Eastern District of Wisconsin is conferred by 28 U.S.C. 1337.1343, 42 U.S.C. 2000e-5 (f)(1)(3) and 42 U.S.C. 1981.

Their were two (2) charges submitted in the Federal Eastern District of Wisconsin Court,both dismiss on summery judgement for the employer on Oct.13,1983. A appeal was made with the Seventh Court Of Appeals on 11/7/83.A panel of Seventh Circuit Court Of Appeals judge in this case to AFFIRMED IN PART, REVERSED AND REMANDED IN PART. The 1st (charge) affirmed portion by the seventh Circuit was attempted to be file in This Supreme Court Of The United States, but was denyed.Now the second (charge) portion of this case wish to be file. EEOC charge No.055801396.

Finley - Seligman & Latz, Inc., (former employer)is a company engaged in the business of

selling jewelry, watches, precious & semi precmetals, stones, and semilar items to consumers at retail prices.

Petitioner (hereafter the employee)skill trade was a jeweler with responsibility during his employment was to perform work on a varity of jewelry.Respondent (hereafter the employer) sold the jewelry to it,s customer,s .But, before respondent could complete sales in most coditions needed a jeweler (petitioner) to consummate skills on the jewelry.Respondent adopted a pay system for jewelers call a peace rate system .Respondent also adopted another pay system for jewelers(watchmakers) call a 30% Of coutomers price bases.Respondent made a self-proclaim statement in the record that they had a redo policy, that is ,the employee would not be compensated for CB . Come backs jobs.Petitioner discrimination charges is file against respond ent because their pay system discriminated aganist petitioner because of his race (black).

Petitioner appealed to the United States Court Of Appeals for The Seventh Circuit, an explain to the appeals to the appeals Court ,The Lower Eastern District Court vacated it,s Rule Of Civil Procedure in this case,whereas petitioner requested Plus file a motion for discovery.To wit,Federal Rule Civil Procedure 26(a)(b)(1)(3) and Rule 34 (a)(b) an(c).Theis was not a DISCOVERY IN THIS CASE.See petitioner Request an motion for discovery J.A. 9-15.

The particulars in petitioner charges (J.A. 16-19) were filed because intention retributions was taken aganist petitioner beginning with the day of hireing with respondent.Nevertheless the Seventh Circuit denied the petitioner petition for rehearing on September 26, 1985 .See J.A. 8 .

ARGUMENT

1. Introduction

The Seventh Circuit Court Of Appeals opinion is. Petitioner was unable to point to overt instance of harressment or discrimination aris-from the Discrimination charge which he filed.In this case,the record dispute witness claim they file a report with Mr. Hammock reguarding the meeting March 28,1980.But,

Sixteen months passed between the time that petitioner filed his discrimination claim and his subsequent termination of employment with the defendant. Although petitioner testified that Sadow fired him in retaliation for filing the claim, both Sadow , and Freinik testified othewise .AS such the court of appeals for Seventh Circuit agree with the district Court.

2. Reasons for Granting Certiorari.

The presented issues in this case is a matter of the lower Court substituteing facts for it,s own interpretation .Their was no discovery in this case.A important point is petitioner was not allowed to testify at trail about the meeting on March 28,1980 in Sadow Office the date petitioner was terminated .Whereas, the transcript show petitioner was sudbued by the Judge who presided during trail.

Transcript Of proceeding,held Jan. 10,1985.Case No. 80-C-1056,before judge John W. Reynolds.

Transcript page 61.

Mr.Chaet: Attorney.

Q: Did the meeting on March 28, 1980 focus on the bracelet?

A: Right.

Q: As far as you know,that was the purpose of the meeting, to discuss that?

A: That,s not necessarly that was the purpose of the meeting, simply because I had pointed out to them there was a number of cases where I show them that not only--.

The Court:

Wait,Wait.Whether it,s the purpose or not. That is what was discussed right?

Banks: Petitioner.

The braclet was discussed.

Transcript page 71-72

Mr. Chaet: Attorney.

Q: Okay. Looking at some of the reason for discriminatory statement,for the first one you said that you believe that you were discriminated because you had filed the first charge on November 28th,and the second reason refer to the special orders referring to in the above job assigned to me.You are referring to the braclet,right?

Banks: Petitioner.

No. That,s not exactly rignt.When I am referring to not only was this particular bracelet that I am referring to I wasn,t compensated for, there were many other repairs I was not compensated for.

In referance to the seventh circuit opinion petitioner was unable to point to overt instance of harrassment or discrimination charge which petitioner filed.Is simpley a matter of illegitmate justice in this judical system.Petitioner testimony in this case on January 10,1985 is he was not compensated for his work completed for respondent.Witness for respondent admit it themself, I am not able to point to adverse instance.See teanscript page 148.Futhermore,respondent witness established as fact petitioner skill was hard to come by.First see page 31 an compair petitioner testimony with it with the vice-president of finley-seligman & latz, inc., Department Robert Sadow transcript page 130.The point made because the Seventh Circuit Court Of Appeals openion is. Sixteen months is long enough for the employer to wait,Thus,claim in Federal Court for The Eastern District Of Wisconsin no action was taken aganist petitioner because

of elapsed time between the date the charges was file aganist respondent as opposed to the date petitioner employment ended with the employer.See J.A.6. Paragraph 2.Whereas, is this case the record reflect (1) The caucasions who ended their employment with respondent before petitioner was terminated were never replaced by respondent.Doxtater, caucasion (jeweler) left July 15, 1974. Lewis caucasion (jeweler) left May.1978 were never replaced by respondent.See record 21 no. 5.Banks,Black skill jeweler was terminated on March 28,1980.Petitioner is pointing a time period of 6 years respondent could not replace any of it,s jewelers respondent testified were hard to come by.(2) Respondent witness Costigan testimony in this case on January 10,1985,he,s now the jeweler for respondent. See transcript page 161.However,Affidavit record 19 & 20 Exhibit 1 or 3, which reflect Costigan caucasion was a watchmaker paid under a different pay system 30% of retail price bases. See J.A. 37. Paragraph 2.

Transcript Of proceeding, held Jan. 10,1985 case no. 80-C-1056, before judge John W. Reynolds.

Transcript page 161 Costigan - cross

Banks: Petitioner.
Q: Then are you a jeweler?
Costigan: witness
A: Yes, I can do it. And presently I an doing it
Banks:Petitioner
Q:You ,re presently doing it?
Costigan: witness
A. YES, I certainly am . and have been for some time.

As the record transcript show Mr. Costigan testimony covers several pages.NOT ONE STATEMENT IS TESTIFIED TO BY MR.COSTIGAN,WHEREAS, HE WORKED ON THE INSIDE OF WATCHES AS A WATCHMAKER FOR RESPONDENT,But.The record reflect he was paid as a watchmaker under a different pay system than petitioner.Where as petitioner testimoney on page 18 in this case " It is not the title,it is the performance what makes the sense" Also see transcript page 33 & 39 their is in this case a majcr difference between what respondent gave it,s employees the title vs. their performance for respondent.The record do not

show one affidavit on file or a single statement on file in this case by a person named a watchmaker an was paid under a different pay system by respondent,his or her performance was for respondence was inside watches or he in fact have the skills of a watchmakers.

The claims aganist respondent is reprented in the joint appendix (J.A.16-19) as contained therein. Over a period of several years respondent unlawful discriminated aganiest petitioner, first with hireing ,then with wages differental which had a negative effect on petitioner because he is a minorty race.

Under linging the manner respondent caused the adverse action aganist petitioner is by giveing petitioner diffcult time consumeing jobs to complete while caucasions receave easyer jobs to do.Each job task were assign a random number requireing different amounts of time to finish the repair,and yield different amount of cash value to the employee that receave the job task.

In order this Court to see side by side respondent inconsistency in their explanation of how their pay system was established for it,s employees.See J.A.28, paragraph 1.An see testimony below.

Transcript of proceeding, held Jan. 10,1985.Case No.80-C-1056,before judge John W. Reynolds.

Transcript page 150-151.

Banks:Petitioner

Q: It,s on the point system in the brief stating you get paid for estimating?

Freinik:witness.

A. No,that was compensated into the price of what you get per point.As an average. Now some jobs they take a little bit longer time, some jobs take a little bit less time.it is impossible for a repair shop to make individual prices for individual jobs.Take a watch repair,to over haul a regular wind watch cost so much.In some cases the watchmaker spends a lot more time on it because it,s a lot more complicated than others. Some you gain,some you lose. The point system was calculated on an average base and so it was with jewelry repair.With some repairs you spend more time and you might have lost a little bit.

> So some jobs that were easier done and went well, you got faster and you gained. The point system was computed by me in a way that it would even out and you could make an acceptable living.

Respondent smoke screen the claims file aganist them in this case by stateing on record they had Two caucasion jewelers under the same pay system as petitioner therefore, The Court should dignify the pay system respondent used to pay it,s employee,s . But respondent refuse to show the courts below how they were paid together with facts of what they were paid. See J.A.40-41. Whereas ,evidentiary Exhibit 6, show petitioner was short changed by paying him less than what was actually on his weekly production sheets. See 44,a,b & c. In additionaly giveing petitioner jobs task to redo over again with out compensating petitioner for his skills, time, an labor spent doing jobs task the first time an what was call a redo the second time.

While caucasions were compensated for all of their work they completed.Mr. Freinik admit in his testimony the point system was heavely flawed (see transcript page 151).Mr Gerhard Freinik testimony is respondent peace rate system was " The point system was computed by me in a way that it would even out and you could make an acceptable living".

The Rules under Title 29- Labor Chapter V- Wages and Hour Division Department Of Labor Part 779-The Fair Labor Standards Act As Applied to Retailer Of Goods Or Services,Fedreal Statutory Rule 779.417 states the manner respondent Must establish commission pay system used to pay its employees who were paid on a regular commission basis.At a rate of pay that,s fair to employees an employer.The pay system was not to be established by Mr. Freinik in his owne image.

FEDERAL STATUTORY RULE 779.417.
Compensation representing commission constitutes most of an employee pay.Must be

> determined by testing the employee,s compensation for a respresentative period.the act does not define a representative period, but plainly contemplate a period which can reasonably be accepted by the employer,the employee,and disintrested persons as being truely representive of the compensation aspects of the of the employees employment on which this exemption test depends.
>
> An approprate representative period or formula for establishing such a period must be designated and substantited in the employer record.

Testimony by witnesses on behalf of respondent stated finley - seligman & latz,inc. had a redo policy for its employees,that in effect reguardless to who fault it was the employee would not be compensated for a redo job task. See J.A.30 #7,J.A.31 # 8.Petitioner stated on earlry page of this petition ,Mr. Freinik told the Court respondent did not compensated the petitioner for some repairs.Read transcript page 148 . (I am sure Judge John W. Reynolds and the panel of the Seventh Circuit got paid for their redo handling of this case the second time).

Transcript Of proceeding, held
Jan.10,1985 Case No. 80- C -1056
Before Judge John W.Reynolds.

Transcript page 148.

Mr. Chaet: Attorney
Q: Mr. Banks testified he receaved
no compensation for doing some work.

Freinik; Witness
The only time he diden,t get compensation for work is on what we call CB. Come backs.That means something wasn,t done properly or didnt hold up and it was returned.

The only reason other repairs like example evidentiary hearing Exhibit 1 & 1a (see J.A.21) is a redo is because the person given the redo jobs task is black.The only reason petitioner was not paid like caucasions is because he is black.The only reason the respondent was not held accountable for his acts of vilations of afrosaid Constitution amendment conferred by Title VII of The Civil Right Act of 1964 is because they are caucasions.The Seventh Circuit of Appeals order No.85-1188 page 4 paragraph 2 goes so far to even state ,"Basically this case hinge on a question of credibility which we

are hesitant to second - guess on appeal absent clear error" (see J.A.6).

Title VII of The Civil Right Act of 1964,as amended, Makes it unlawful employment practice for an employer to discriminate aganist an employee with respect to his race.42 U.S.C. 2000-e - 2. The proma facie case in employment discrimination is not inflexible and categorically proof necessary to establish a prima facie case will very depending on the realm of such actuality .See McDonnell Douglas v. Green 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed.sd 668 (1973).

In the above case set forth the basic allications of burdens and order of presitation of proof in Title VII.

The basic burden and order of presitation of proof in this Title VII case was established by respondent ,they admitt to what were doing that is they weren,t paying petitioner for all of his work completed.

As stated before on January 10,1985.A evidentiary hearing was held in this case before

Judge John W. Reynolds ,case no 80-C-1056.As the record show the judge dismissed this case on summary judgement.The Seventh Circuit Court of Appeals Remand (a redo) for the lower Court. Petitioner testimony during the hearing is he was not compensated for repairs he completed the first time.Transcript page 56,57, & 62.On page 72 petitioner testimony is there were many other repairs he was not compensated for.

Transcript Of proceeding, held Jan.10,1985 Case No.80-C-56 before Judge John W. Reynolds.

Transcript page 57,Petitioner Banks-cross.

The Court:
Q: To Mr. Freinik when he asked you to repair it the second time.
Banks:Petitioner.
A: I don,t recall exactaly what I said,but I pointed out that for the amount of work that went into it the first time,I hadn,t been compensated for.(see J.A.21). They wanted me to do it all over again for a second time.I hadn,t been compensated for it the first time.So in essence what you are saying is even though I wasn,t paid for it the first time,Ihad to do it over again and not be paid for it again.

The: Court.

Q: Why weren,t you paid for it the first time?

Banks: Petitioner.

A: I don,t know.See,that,s the irony of the whole thing. Any number of jobs that come down and they decide they don,t want to pay you for them,you don,t get paid for them, even though you perform the work on them.

The:Court.

Let,s talk about this job. (Evidentiary hearing Exhibit 1).

Banks.Petitioner.

A: All right.

The:Court.

It was not repaired the second time time and because you weren,t paid for the first time.

Banks:Petitioner.

A: Right.

The: Court.

What else do you want to establish?

Mr.Chaet: Attorney.

How do you know you weren,t paid for it the first time?

A. How do i know I wasn,t paid?

Q. After you repaired it the first time.

The:Court.

Hold the phone. when you ask aquestion,take one at a time. keep a mental note if you want to ask the second. I think it confuses witnesses when a question is asked and then lawyers say well,in other words.

Then you get double questions. The question is how do you know you weren,t paid the first time?

Banks.Petitioner.

It,s simply because the work production sheets(See example of evidentiart hearing exhibit 6,in the appendix J.A.44a & b). that particular week, in other words you transfer that number into this here, you dont find it on any of them.

As stated before, their was no discovery in this case.The court asked petitioner what else did I wish to establish as shown in the above testimony.But the court did not allow petitioner to testify on all aspects of the retaliation charge file in this case.Whereas, the above testimony show the court wanted to talk about evidentiary hearing Exhibit 1 (see 21,a,b. & c in the Appendix).

Example,in the appendix at 44,a,b,c. The production sheet week is dated 7-27-74.It have a total number points for that week 357, in monetary value is 45¢ each point.45¢ x357 = $106.65 Mr.GERHARD FREINIK OFFICE change

Petitioner monetary week commission to $106.65. That,s a $54.00 difference in what petitioner legitimate pay is.(see 44c).IN additional J.A. 45 show petitioner was to be compensated for polishing and rhodium on each job task listed on week 7-27-74.Polishing $44.68 and plating $14.88 a total of $59.56.The net lost for the petitioner in 7-27-74 week is $113.56.This is a minimum wage lost for petitioner over the years the figures gets higher.

The difference in the above Seventh Circuit Court of Appeals judgement vs. the testimony is being able to compair facts.' MR.Freinik testified that he requested for petitioner to redo the braclet(evidentiary hearing Exhibit 1) is because it was not up to Mr. Freinik standered (read transcript pages 91-93).Futher more Mr. Freinik testified it was based on petition race in -part is why he wanted petitioner to redo the bracelet over a second time (seetranscript page 145).

Huddlestion v. herman & Maclean,604 F. 2d 534, 552,(5th Cir.1981) an condidering

Bohannon v. Pegelow, 652 F. 2d 729 (7th Cir. 1981). Lay witness may testify to key issue of motivation of the defendant.

Transcript Of proceeding,held Jan.10,1985 Case No.80-C-1056 before judge John W. Reynolds.

Transcript page 152. Freinik cross.

Banks.Petitioner.
Judge ,am I not entital to minimum wages?

The Court:
Not in this lawsuit.You are entitled--the question here is whether or not you were fired because you filed that complaint aganist EEOC.

First of all petitioner never file a compla int aganist EEOC.Second petitioner was not allowed to question the witness on all aspect of the charges file aganist them.

Title 29 Labor
U.S.DEPARTMENT OF LABOR EMPLOYMENT STANDARDS WAGE AND HOUR DIVISION,WASHINGTON D.C.
Part 779 The Fair Labor Standards Acts As Applied to retailers Of Goods Or Services.

The rules and regulation are statutory rules. whereas , respondent business engegement is

in the state of wisconsin is goverened under these rules as is respondent system of paying it,s employees.See J.A. 23 - 24.

RULE AND REGULATIONS

Rule 779.416(c) A commission rate is not bona fide if the formule for computing the commission is such that the employee, in fact, always or almost earns the fixed amount of compensation for each work week (as would be the case where computed commission seldom or never equal or exceed the amount of draw or guarntee).

Rule 779.417.Whether compensation representing commission constitutes most of an employee pay so as to satisfy the exemption condition contained in clause (2) of section 7 (i) must be determined by testing the employee,s compensation for a "representative period"of not less than 1 month.

Rule. 779.501: No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed.

Youngerman - Reynolds Hardwood Co 325 U.S. 419. As the Supreme Court explained the meaning of regular rate. It is the hourly rate actually paid the employee for the normal ,nonover time workweek for which he is employed.

Rule 779.213,779.241 an 779.320. Is in the appendix at 23 24 & 24a.It therefore is established ,respondent business engagement in the state of Wisconsin is Selling.

Rulr 779.305 :Their is no such functional seperation between activities of selling goods or services at retail.

As J.A.20 show only one exhibit was sent to the Seventh Circuit Court Of Appeals. J.A. 22 their were 12 Exhibits offered as evidence in this case. No.1,2,3,4,6,7,8,10, & 11 s hould have been included in the records for judgement.

Whereas , respondent claim they had a redo policy ,but they did not show proof thay could validate this as fact,s.Petitioner continue to state respondent did not have a redo policy.An petitioner was terminated March 28,1980.

However, those facts that is placed before the courts eyes seems to draw them shut.The establish fact,the transcript show Mr.Freinik "YES" to petitioner race during the testimony hearing.

Transcript Of proceeding,evidentiary hearing held January 10,1985,case No.80 - C - 1056 before Judge John W. Reynolds.

Transcript page 145,witness Freinik direct

Mr. Chaet attorney.

Q:Did Mr. Banks ,race have anything to do with your request to have him do that repair on the bracelet over a second time? Is that why you asked him to do a second time?

Mr. Freinik witness.

A. yes.

Mr.Chaet attorney

Q: Was it because he,s black ? thats why you had him repair it over a second time?

Mr. Freinik witness.

A. No. definiately not. First of all I would like to point out I am a Born again Christian.It is aganist my religion to discriminate against any man what so ever.I was not brought up in this country.

A analysis of the above questions is they are seperate an different questions. The first question is Did Mr. Banks Race have anything to do with YOUR REQUEST to have him do that

braclet over a second time? The second question to Mr. Freinik was. Was it because he,s black? That,s why you had him repair it over a second time.

Jenkins v. Anderson 447,U.S.231,239,100 S. Ct. 2124, 2130,65 L.Ed. 2d. 86 (1980).Common law traditionally has allowed witness to be impeached by their previous failure to state a fact circumstances in which that fact naturally would have been asserted.

Also see Federal Evidence Rulr 613 an 613.5. The fact show that the witness testimony on behalf of respondent is in consistent with their previous statement .See J.A. 25-41.

Petitioner money tary loses is $ 160,000. Plus punitive damages.

CONCLUSION

This Court should issue its writ of certiorari to the United States Court Of Appeal for the Seventh Circuit , and should reverse that

Court,s decision.

Respectfully submitted,

Ira Banks

March 15 1986

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

IRA BANKS

PETITIONER

v.

FINLEY-SELIGMAN & LATZ, INC.,

RESPONDENT

PROOF OF SERVICE

The undersigned hereby certifies that copies of motion petition for writ or Certiorari to the Court Of Appeals For The Seventh Circuit on counsel for respondent by encloseing copys thereof in an envelop.First Class postage pre-paid, Address to

Barry L. Chaet
Kroukoski & Associates, S.C.
7111 West Edgerton Avenue
Milwaukee, WI 53220

and depositing same in the United States Mail at Milwaukee, WI .On this 15 Date of March

Ira Banks